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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/791,659

03/02/2004

Jason William Muller

FL/142

2699

28596 7590 08/14/2007
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EXAMINER

PHAM, MINH CHAU THI

ART UNIT

PAPER NUMBER

1724

MAIL DATE

DELIVERY MODE

08/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/791,659

Applicant(s)

MULLER ET AL.

Examiner

Minh-Chau T. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE filed on 6/19/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 4, 6-8, 10, 11, 14, 15, 21-33, 35 and 44-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 6-8, 10, 11, 14, 15, 21-33, 35 and 44-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3, 4, 6-8, 10, 11, 14, 15, 21-33, 35 and 44-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riedy et al (5,108,474), in view of Schultheiss et al (2003/0000389 A1).

Riedy et al discloses a composite filter material for removal of particles from a fluid stream (col. 1, lines 5-14) comprising a membrane filtration layer comprising a porous polymeric membrane (13, col. 5, lines 13-57), at least one depth filtration media layer comprising fibers (11, col. 3, line 45 through col. 4, line 5) disposed on the upstream side of the membrane filtration member (13) wherein the membrane filtration layer comprising ePTFE (col. 5, lines 48-50). The composite filter media further comprising a support layer disposed on the downstream side of the membrane filtration layer (col. 5, lines 58-61) wherein the support layer is laminated to the membrane filtration layer (col. 6, lines 26-34). Riedy et al also disclose the membrane filtration layer and the depth filtration media layers can be pleated (see col. 10, lines 46-67-). Riedy et al further disclose a composite filter comprising a frame (41), a composite filter media (11-13) wherein the composite filter material is sealed in the frame with a potting material wherein the potting material is selected from the group of silicone, polyurethane, plastisol or the like (col. 6, lines 26-34). Riedy et al also disclose various air permeability ratings via tests and layer thickness of the composite filter material (see the whole document). It is inherently understood that with this configuration the composite filter media has a certain degree of dust capacity. Claims 1, 3, 4, 6-8, 10, 11, 14, 15, 21-33, 35 and 44-49 differ from the disclosure of

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Riedy et al in that the claims call for the depth filtration media comprising fibers having an electrostatic charge. Schultheiss et al disclose a multi-layered air filter wherein the filter media comprising electrostatic charge (page 1, paragraph 0014 and 0015). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a filter layer with electrostatic charge as taught by Schultheiss et al in the filter apparatus of Riedy et al since it is very well-known in the art that electrostatic charge is put ahead of the filter layers for simultaneous increase of the suction efficiency stability and the separation performance (see page 1, paragraph 0014).

Claims 7, 8, 10, 11, 14, 15, 21-33, 35 and 44-49 call for one additional depth filtration media layer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide one or more layers of depth filtration media since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPO 8.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Minh-Chau Pham

Patent Examiner

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August 8, 2007